

California Department of Fish and Game
North Central Coast Study Region
Feasibility Evaluation of Draft MPA Proposals
February 11, 2008

This evaluation was completed by the California Department of Fish and Game for the MLPA North Central Coast Regional Stakeholder Group (NCCRSG) to provide detailed feedback on the feasibility for the suite of marine protected area (MPA) proposals received. The feasibility guidelines used were outlined in the document titled, "*Statement of feasibility criteria for use in analyzing siting alternatives during the second phase of the Marine Life Protection Act Initiative*" (CDFG Memo; June 11, 2007). A second memo, "*Department of Fish and Game update of feasibility criteria for use in analyzing siting alternatives during the second phase of the Marine Life Protection Act*" (CDFG Memo; February 11, 2008), was also created to clarify feasibility issues that have arose during the North Central Coast study region process, and was also used to evaluate the current MPA proposals.

Many of the feasibility issues frequently observed in the first round of proposals were greatly improved for this round. However, feasibility concerns do remain in the current set of proposals. Many of the design elements that decrease MPA feasibility that were frequently noted include: multiple zoning (created when many regulatory changes occur over a small area); doughnut designs (which occurs when MPAs surround one another); floating corners in offshore waters that are not at readily determined lines of latitude and longitude; and unanchored diagonal lines (diagonal lines may be feasible when they follow the angle of the coastline and are anchored at whole minute points of latitude and longitude).

Marine Protected Areas that follow the Department's feasibility guidelines will help to ensure that these areas are readily enforceable and ease public understanding.

General suggestions for improving the feasibility of the draft proposals include:

1. Boundary descriptions provided in the template need to be complete with all intended boundaries described with lines of latitude and longitude. If an easily recognizable landmark is intended for use as a boundary marker, the landmark and its corresponding latitude/longitude should be provided and included in the MPA template. All corners must also have their corresponding latitude and longitude listed. This will help us accurately describe the intended lines in regulation. Shoreline boundaries also need to be specified (mean high tide).
2. Simple boundary designations are vital for the ease of public understanding and successful enforcement of the area. Optimally, offshore MPA corners should fall on whole minutes of latitude and longitude. Half minutes are less desirable and 1/10th minutes the least preferred and hardest to enforce. Onshore MPA corners that do not line up with a visible landmark should fall on whole minutes of latitude and longitude; half minutes are less desirable and 1/10th minutes the least preferred and hardest to enforce. Onshore corners that do line up with a visible landmark should use a 1/100th of a minute resolution (e.g., 36 degrees 24.56 minutes). This allows boundaries to be accurately drawn to the desired point.

3. A new MPA that included an area with an existing aquaculture lease would not automatically prohibit existing aquaculture, as "take" is prohibited only for public trust resources. Since aquaculture harvests a privatized resource, it is not constrained by MPA regulations. Additionally, existing aquaculture leases may not be removed by MPA designation. The Department recommends using an appropriate designation (e.g., SMCA or SMRMA) and specifically allowing existing aquaculture under a State Lands Commission Lease and Commission Permit to occur. This applies to the following proposed draft MPA proposals and MPAs:
 - draft MPA Proposal 1 (EC): Drakes-Limantour Estero SMR
 - draft MPA Proposal 2 (JD): Drakes Estero SMR
 - draft MPA Proposal 3 (TC): Drakes Estero SMR
 - draft MPA Proposal 4 (JC): Drakes Estero SMR
 - draft MPA Proposal External A: Tomales Bay SMR

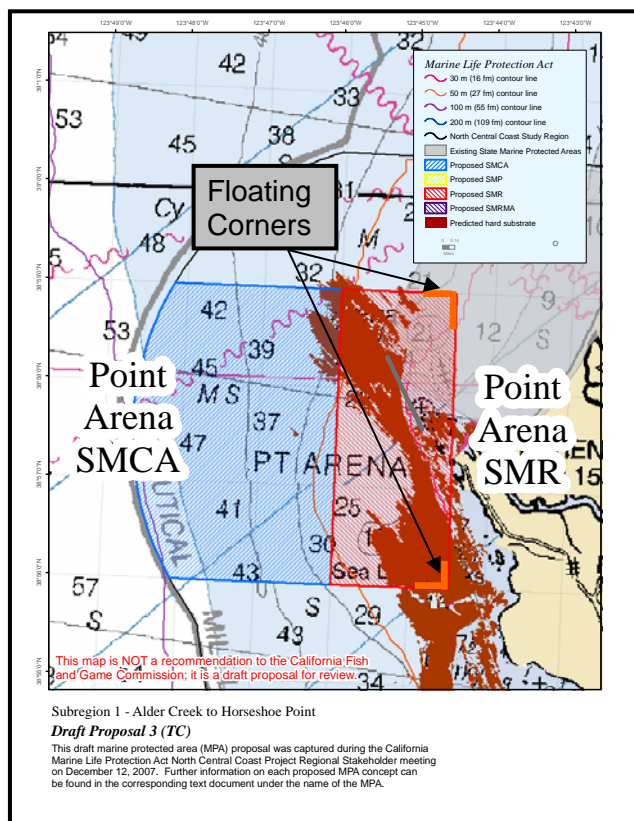
4. The Department does not support the use of marine protected areas to exclude waterfowl hunting or its discussion as part of the MLPA process. Proposals to alter waterfowl hunting activities should be brought to the Department and Commission as part of normal hunting regulations processes. In areas where duck or other waterfowl hunting occurs presently, the Department recommends using the State Marine Recreational Management Area designation and specifically allowing the hunting to continue. This applies to the following proposed draft MPA proposals and MPAs:
 - draft MPA Proposal 2 (JD): Tomales Bay SMP, Estero Americano SMR and Estero San Antonio SMR
 - draft MPA Proposal 3 (TC): Tomales Bay SMR, Estero Americano SMR and Estero San Antonio SMR
 - draft MPA Proposal External A: Tomales Bay SMR, Estero Americano SMR and Estero San Antonio SMR

Draft Proposal 3 (TC)

Goals and Objectives: All proposed MPAs included clear goals and objectives.

Simplicity of Regulations: The allowed take at Charter Beach SMCA includes a long list of excepted species to the general regulation which makes it difficult to understand and enforce the regulation.[So these regs are the existing regs at Sonoma Coast SMCA – perhaps the department could rewrite their own regs and provide some better language here??[This is the whole point of MLPA, we are asking the stakeholders to assist in fixing the existing MPAs. We would recommend either removing the MPA, or removing the long list of exceptions] Also, the allowed take at Moss Beach SMCA does not specify whether commercial and/or recreational fishermen apply to this regulation.

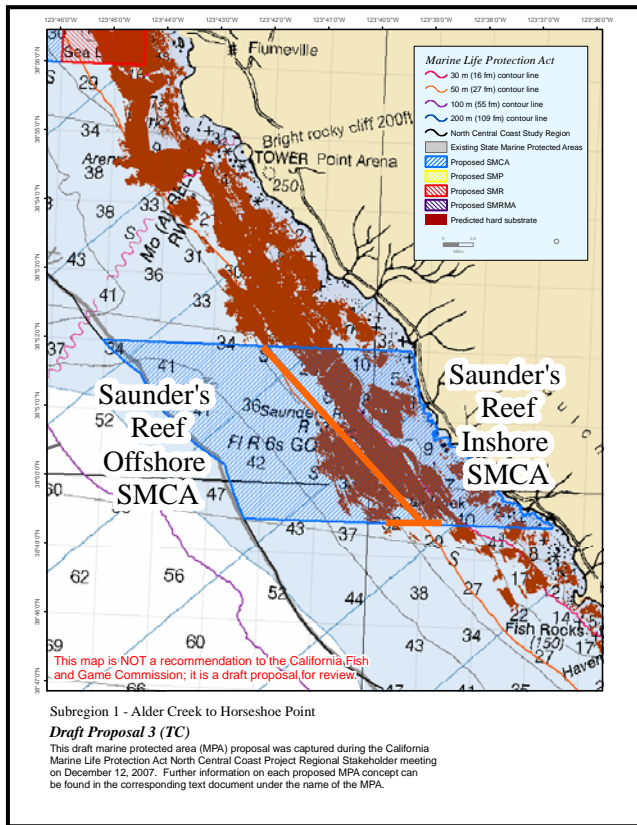
MPA Clusters Requiring Boundary Adjustments: *Maps are of MPA clusters that require boundary adjustments to meet feasibility guidelines. Boundaries that require adjustment are displayed in orange.*



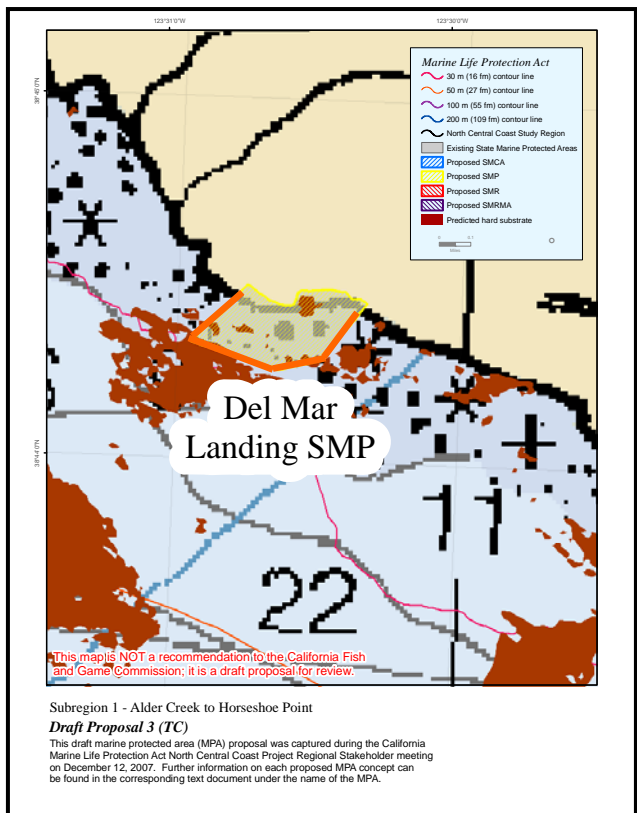
Point Arena SMR and SMCA: Floating corners were created in the north-eastern and south-eastern corners of Pt. Arena SMR. Offshore corners should be located at whole minute lines of latitude and longitude (see: general suggestions for improving the feasibility of the draft proposals; bullet #2). The eastern boundary of the SMR is not easily enforced and the MPA should either extend farther east or be moved far enough offshore to make enforcement simple.

Additional Comments from CDFG Enforcement:

- Floating corners are difficult to enforce.



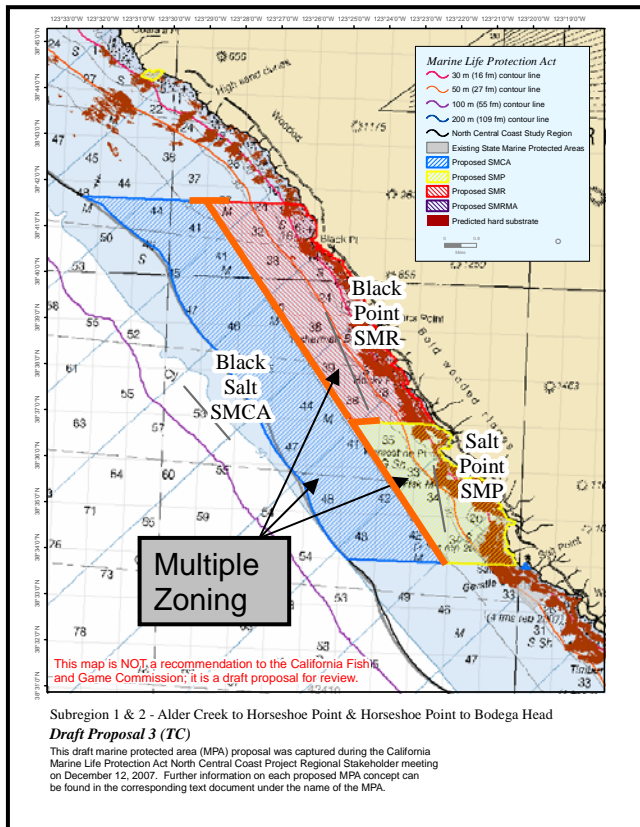
Saunders's Reef Offshore and Inshore SMCAs: Diagonal lines may be feasible when they follow the angle of the coastline and are anchored at whole minute points of latitude and longitude. The southern point of the diagonal line is not anchored at a whole minute line of latitude and longitude. The northern point of the diagonal line is described by a distance offshore and should be described using a whole number latitude and longitude.



Del Mar Landing SMP: Boundaries do not follow a north/south east/west orientation, are irregularly shaped and are not at easily recognizable landmarks or at readily determined lines of latitude and longitude.

Additional Comments from CDFG Enforcement:

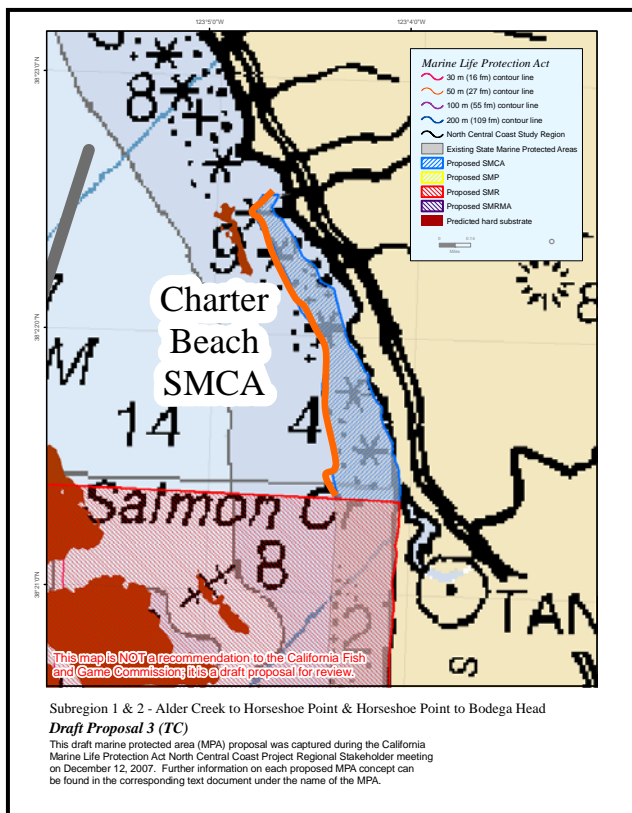
- These boundaries are difficult to enforce and prosecute in a court of law.



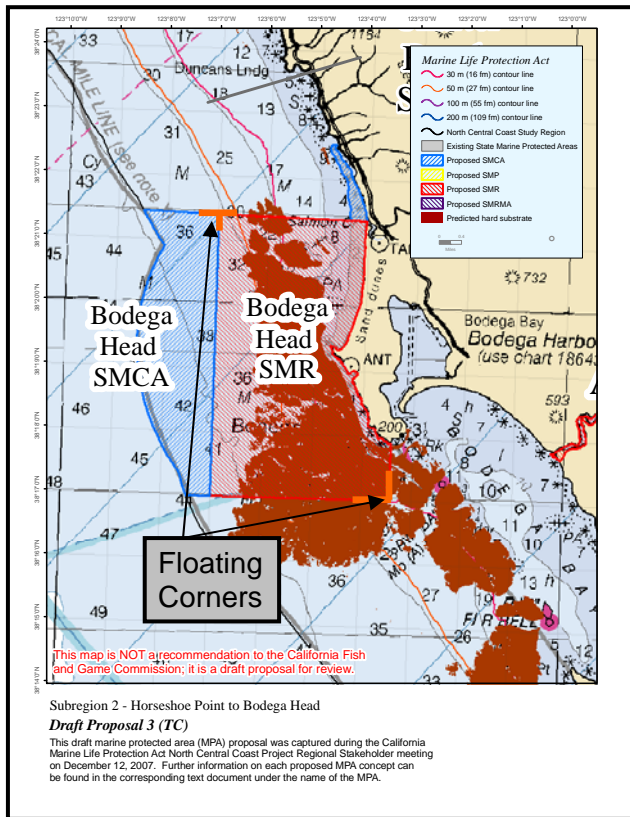
Black Salt SMCA, Black Point SMR and Salt Point SMP: Multiple zoning was created with Black Salt SMCA, Black Point SMR and Salt Point SMP. Multiple designations in a small area are difficult to enforce and create confusion among user groups. Diagonal lines may be feasible when they follow the angle of the coastline and are anchored at whole minute points of latitude and longitude. Unanchored diagonal lines were created for the western boundaries of Black Point SMR and Salt Point SMP.

Additional Comments from CDFG Enforcement:

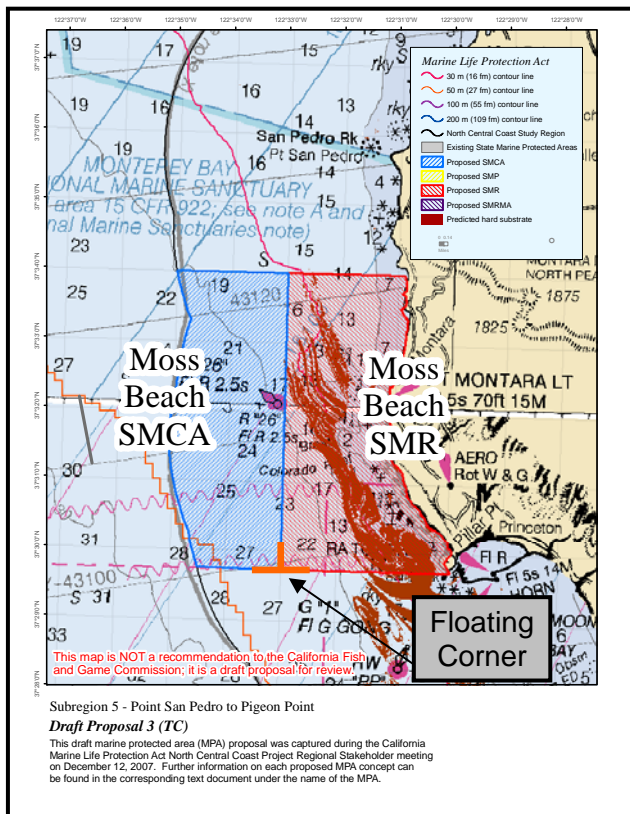
- Enforceability and public understanding would be enhanced by simplifying this cluster.



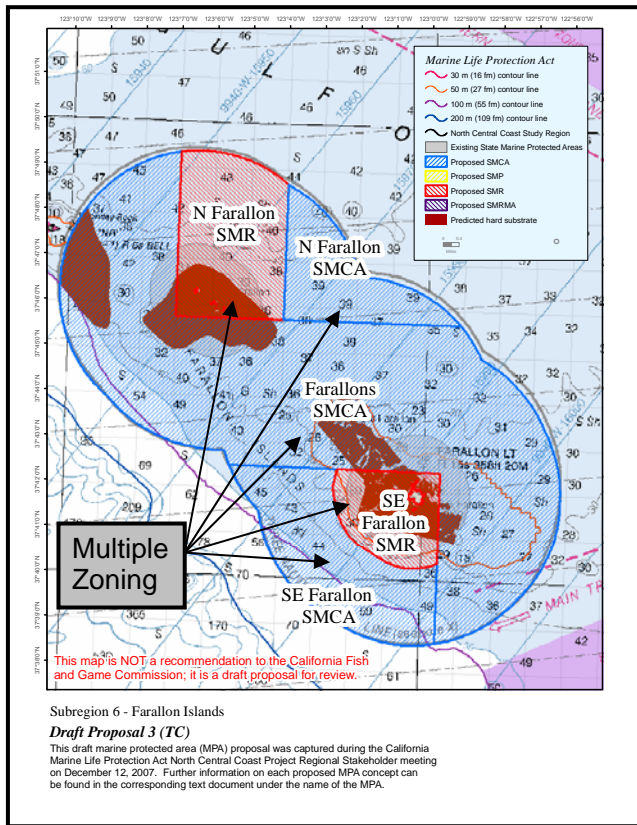
Charter Beach SMCA: Boundaries do not follow a north/south east/west orientation, are irregularly shaped and are not at easily recognizable landmarks or at readily determined lines of latitude and longitude. The offshore boundary is defined by a depth contour. The southern boundary is defined as "Salmon Creek parking lot" which is not considered an easily recognizable landmark.



Bodega Head SMR and SMCA: The southern boundary is defined as "Salmon Creek parking lot" which is not considered an easily recognizable landmark. The south-eastern boundary of the SMR appears to be at an easily recognizable landmark. However, this is not certain because no description or lines of longitude were provided. Floating corners were created in the north-western and south-eastern corners of Bodega Head SMR. Offshore corners should be located at whole minute lines of latitude and longitude (see: general suggestions for improving the feasibility of the draft proposals; bullet #2).



Moss Beach SMR and SMCA: A floating corner was created in the south-western corner of the SMR. Offshore corners should be located at whole minute lines of latitude and longitude (see: general suggestions for improving the feasibility of the draft proposals; bullet #2).



Southeast Farallon SMCA and SMR, Farallons SMCA and North Farallon SMR and SMCA: Multiple zoning with Southeast Farallon SMCA and SMR, Farallons SMCA and North Farallon SMR and SMCA. Multiple designations are difficult to enforce and create confusion among user groups. The south western corner of SE Farallon SMR is a distance offshore. Distance offshore should only be used for offshore islands when it extends to the extent of state waters (see the CDFG feasibility update Memo; February 11, 2008).

Additional Comments from CDFG Enforcement:

- Enforceability and public understanding would be enhanced by simplifying this cluster.